

# Memorandum

To : All District Directors  
and  
Jim Roberts, Chief  
Division of Structures

Date : August 21, 1989

File No.:

From : DEPARTMENT OF TRANSPORTATION  
Division of Project Development - Office of Project Planning and Design

Subject: Memorandum of Understanding with Forest Service

Attached is a copy of the executed 1989 Memorandum of Understanding (MOU) between the United States Department of Agriculture, Forest Service, Pacific Southwest Region and Caltrans. This document replaces the MOU dated May 1983. A summary of the major changes to the previous MOU is attached.

The MOU requires each District to designate a coordinator who will represent Caltrans in discussions with the local Forest Supervisor. Please submit your coordinator's name to Kenneth Hintzman, Office of Project Planning and Design by September 15, 1989. Ken can be contacted at ATSS 430-7558.

Original Signed By  
W. P. Smith

W. P. SMITH, Chief  
Office of Project Planning  
and Design

Attachment

KH:bjp  
cc:JMaloney  
ERogers  
KHintzman  
OPPD File

Summary of the MEMORANDUM OF UNDERSTANDING  
between Caltrans and Forest Service  
May 1989

The major changes to the May 1983 MOU are as follows:

- 1) Each Forest Supervisor and District Director will designate a Caltrans/Forest Service (FS) coordinator.
- 2) Caltrans will be responsible for initiating action to clean up hazardous spills that originate in State Highway rights-of-way on National Forest (NF) land and will notify the FS.
- 3) At Interstate rest areas near National Forests, Caltrans will provide space for NF information and FS will provide the sign itself. (The old MOU had Caltrans providing the sign.)
- 4) On conventional highways, FS may install and maintain certain types of interpretive signs and signs designating camping, recreation, and resort areas.
- 5) Caltrans will submit requests for use of any pesticide to FS annually or for each separate planned spray project.
- 6) Clarification that on designated scenic routes, normal maintenance will include removal of graffiti within the right-of-way.
- 7) A provision for cooperation to provide emergency by-pass routes when needed. The benefiting agency will fund any road-opening costs incurred.
- 8) Clarification of the permit process for temporary road intersections. No permit will be required for emergencies and permit approvals will be expedited for other short term intersections.
- 9) Establishment of a sign committee to develop standard wording, colors, etc., for highway signs identifying NF facilities.

MEMORANDUM OF UNDERSTANDING  
TO ESTABLISH PROCEDURES FOR COORDINATING ACTIVITIES  
RELATED TO STATE HIGHWAYS ACROSS LANDS  
ADMINISTERED BY THE USDA FOREST SERVICE  
IN THE STATE OF CALIFORNIA

This Memorandum of Understanding is by and between the State of California Department of Transportation, hereinafter referred to as "the State", and the United States Department of Agriculture, Forest Service, Pacific Southwest Region, hereinafter called "the Forest Service". This document replaces the Memorandum of Understanding dated May 1983.

The State is responsible for comprehensive transportation planning of highways in the State and for planning, designing, constructing, and perpetuating public highways of the State Highway System for the safety and benefit of the using public; and from time to time is responsible for the construction of projects on county roads on Federal-aid secondary routes; and

The Forest Service is responsible for the protection and multiple-use management of National Forest lands and resources for the use and benefit of the people of the United States, and is vitally interested in the development and maintenance of a public highway system integrated with Forest Service and other transportation systems to provide access for use and enjoyment of the National Forests; and

Since National Forest land and resource management activities may alter established traffic patterns or generate new traffic, the Forest Service will need to confer with the State during the planning phase of development and maintenance projects which have potential to affect highway administration; and

Since improvement or modification of State highways can generate impacts on National Forest resources and administration by direct and indirect effects and by creating demand for such things as campgrounds, sanitary facilities, and fire prevention programs, the State will need to confer with the Forest Service during the planning phase for projects which have potential to affect National Forest resources and/or administration; and

Since lack of advance coordination and full understanding can result in differences which inconvenience the public and are costly and time-consuming to reconcile; and

Since the State will need authorization to use National Forest lands for highway rights-of-way, waste areas, materials sources, and stockpile sites for highway construction and maintenance; and

Since it is desirable to establish procedures for coordinating the planning, location, design, construction, maintenance, signing, access, and other matters related to highways located on or adjacent to National Forest lands;

In recognition of the responsibilities, interests, and limitations set forth above, the mutual benefits of established procedures to facilitate agreement on specific highway matters on National Forests and on other matters requiring

coordination between the two agencies, the State and the Forest Service mutually agree as follows:

### I. Coordination

The State and the Forest Service shall each designate a coordinator who will represent their respective agencies on matters of mutual interest. The District Directors and Forest Supervisors will each designate a coordinator for their respective District or Forest, who are encouraged to negotiate with each other and to agree on such matters as fall within their scope of responsibility. Matters which require consideration at a higher level should be negotiated by the State Department Director and Regional Forester.

### II. Annual Meetings

Two meetings will be held each year to discuss activities which affect both the State and the Forest Service. The meetings will normally involve the State Director and Chief Administrative Officer and the Regional Forester or their designated representatives.

A. A meeting will be held between the State, Forest Service, and Federal Highway Administration concerning the Forest and Public Lands Highway Programs. The purpose of the meeting will be to resolve any disagreements in the list of projects that the State and Forest Service have submitted to the Federal Highway Administration. At this meeting the Federal Highway Administration will select projects which will be included in the Forest Highway Program for the current fiscal year and, at least, the next four years.

B. A meeting will be held between the State and the Forest Service to discuss programs of construction, reconstruction, access, and other activities of mutual interest such as Scenic Byways.

When agreements that affect both agencies have been reached, both the State and the Forest Service will notify their field units and direct them to coordinate as necessary to eliminate or mitigate impacts and to take advantage of opportunities afforded by joint planning.

### III. Environmental Planning

The State and the Forest Service will emphasize cooperative consultation in the development of environmental documents rather than submission of adversary comments on a completed document. The State and the Forest Service will mutually make available existing reports, records, inventories, or other supportive data necessary for assessing the social, environmental, and economic effects of proposed plans and projects. This includes informational copies of site records, cultural resource survey reports, biological surveys, land line data, and water rights information.

When the Forest Service is preparing land and resource management plans, project plans, Regional plans, or other plans which may affect State Highway operations, the Forest Service will make opportunities available to the State to participate in the development and review of these plans. If significant effects to the State Highway System are identified by this process, such effects will be displayed and discussed in an environmental document. Where these significant effects exist, the State will assist the Forest Service in the scoping process by participating in public involvement sessions and will further assist in respon-

ding to issues and comments voiced by the public which are pertinent to State Highway operations.

When the State is preparing plans for construction, maintenance, or other activities on or near National Forest lands which may significantly affect National Forest resources or the management practices of the Forest Service, the State shall make opportunities available to the Forest Service to participate in the development and review of these plans. Where significant effects exist, the State will display and discuss these effects in the environmental documents. The Forest Service will assist the State in the scoping process and will further assist in responding to issues and comments voiced by the public which are pertinent to the Forest Service.

#### IV. Preconstruction Engineering (for projects which the State has design responsibility)

##### A. Preliminary Design

1. The State will notify the Forest Service at the beginning of design surveys of the selected route. The Forest Service will cooperate in the survey by providing maps and available information to help the State locate property corners and land lines.

2. The State will prepare preliminary design study proposal and location map of the selected route or project.

3. The State and the Forest Service will participate in a joint field review of the selected route or project.

4. The Forest Service requirements for stipulations and plans will be jointly discussed and developed. It will be determined in this discussion which stipulations will be written and attached to the deed, and which stipulations will be provided for in the plans and specifications.

Written stipulations should be kept to a minimum. Areas to be covered include:

- a. Department of Fish and Game coordination when stream encroachment or game habitat disturbance is a material factor.
- b. Scenic resource considerations.
- c. Debris disposal.
- d. Fire prevention and suppression. (A fire plan covering fire prevention and control action, including restrictive measures based on fire danger, will normally be a part of every project.)
- e. Handling of marketable timber on right-of-way.
- f. Erosion control.
- g. Provision for off right-of-way needs; i.e., borrow pits, maintenance stations, stockpile sites, waste areas, temporary work roads, and other highway needs which must be covered by special use permits.

h. Mitigation of impacts the project will have on access, grazing allotments, wildlife migration routes, recreation, and other use.

i. Mitigation of impacts on archaeological, historical, and other cultural sites.

j. Any other resource or access problems developed as a result of the highway project.

5. Prior to final design, the Forest Service and the State will make a joint plans-in-hand inspection of the proposed design. Needed modifications to the written stipulations, identified before or during the plans-in-hand inspection, may be made at that time.

#### B. Final Design

1. The State will furnish the Forest Service with two copies of tentative plans, and tentative special provisions for their review and comment.

2. The State will furnish the Forest Service with two copies of the final plans and specifications for Forest Service approval of design features relating to National Forest resources. Such approval will imply that Forest Service requirements to mitigate adverse effects on National Forest lands will have been met when the project is completed according to such plans and specifications.

3. The State and the Forest Service will jointly determine the need for cultural resource reconnaissance and mitigation within the right-of-way, and then the State will undertake such reconnaissance and mitigation as jointly determined to be needed in compliance with applicable laws.

4. The Forest Service will prepare the final draft of the written stipulations and send it to the State for signature. The State will return the signed stipulations to the Forest Service.

#### V. Easement Grants and Special Use Permits

A. United States Department of Transportation Easement. This form of easement will be granted for public roads or highways which are part of the Federal-aid system, or which are constructed under provisions of Chapter 2 of the Highway Act [23 U.S.C., Sections 317 and 107(d)].

Upon completion of approved environmental documents and final design, the State will submit an application for a USDT Easement to the FHWA. The FHWA will determine if the application is in proper order, and, if so, request a letter of consent from the Regional Forester. The Regional Forester will furnish a letter of consent to the issuance of the easement to the State through the Federal Highway Administration. Such letter of consent will authorize immediate right-of-entry by the State to construct the highway. The easement will be granted by the FHWA in accordance with Federal Highway Administration Policy and Procedure Memorandum 80-8. The only exception to the above is where a Forest Highway project, approved by the Secretary of Agriculture, is to be constructed by the Federal Highway Administration. In such cases, the letter of consent is furnished after the construction has been completed and the highway is ready to be turned over to the State. In the latter situation, the State must also apply to the FHWA for the USDT Easement.

B. Federal Road and Trail Act Easement (FRTA - Public Road). This form of easement will be granted for public roads and highways which are not part of the Federal-aid system or not constructed under provisions of Chapter 2 of the Highway Act.

Upon completion of approved environmental documents and final design:

1. The State will submit a letter of request to the Forest Supervisor for a FRTA-Public Road easement along with complete right-of-way plats.

2. The Forest Supervisor will prepare the easement deed, including stipulations when needed for Regional Forester signature. The original deed will be sent to the State for recordation after signature by the Regional Forester.

C. Special Use Permits. Occupancy of National Forest land for highway-related uses outside of the public road or highway easement may be authorized by either temporary or annual special use permit. Such uses can include borrow pits, maintenance sites, material sources, waste areas, channel changes, access roads, and other similar items.

VI. Construction (for projects which the State has construction responsibility)

A. The Forest Supervisor and the District Director, shall designate representatives who will deal directly on any matters pertaining to construction or reconstruction projects across National Forest lands.

B. Public land monuments that are disturbed or destroyed by construction operations will be re-established, restored, or witnessed by the State in accordance with instructions of the Bureau of Land Management, Department of Interior.

C. The State will invite the Forest Service to participate in a preconstruction conference.

D. The State will notify and obtain approval from the Forest Service prior to effecting any change order which may affect National Forest land and resource management activities.

VII. Maintenance and Operations

A. Highway maintenance operations will be conducted in a manner to preserve and enhance the safety of the highway facility and its compatibility with adjacent National Forest lands and resources.

B. All maintenance activities including those involving clearing, slash disposal, removal and disposal of slough or slide material, road widening, changes in road drainage patterns, materials source and storage, and similar actions which involve National Forest lands, will be coordinated between the Forest Supervisor and the District Director.

C. The State may remove trees within the easement boundary to improve safety, and small trees encroaching on lines of sight established for safety

purposes on the approved plan. Planned removal and disposal of these trees will be coordinated between the District Ranger and the Maintenance Regional Manager. The Forest Service will have the option to dispose of any merchantable trees it deems appropriate.

D. The State will prevent and control, to a reasonable extent, soil erosion within the right-of-way brought about as a result of maintenance operations of the highway, and shall establish and maintain vegetative cover on all cut and fill slopes and other disturbed lands reasonably capable of being vegetated. Methods employed to control erosion in areas adjacent to National Forest lands will be mutually agreed to by the District Director and the Forest Supervisor.

E. The Forest Service will work with the State in designating approved areas where slide and slough material can be wasted. Slough and slide material will be deposited at designated locations within a reasonable distance from the State Highway.

F. The State will submit requests for pesticide use annually or for each separate planned spray project to the Forest Supervisor of the National Forest in which the use is planned. The requests will include information such as total National Forest acres in the project, type, rate, and time of application of pesticide, as well as any other pertinent information to enable evaluation of the request. The requests should be submitted approximately six months before the date the first spray project is planned. Such requests will be evaluated and approved in accordance with Forest Land Management Plans and current National Forest policy on the use of pesticides.

G. The Forest Supervisor and the District Director will jointly develop a hazard reduction program along roadsides to reduce incidence of roadside fires.

H. Review and agreement on maintenance items requiring Forest Service concurrence will be expedited as needed by both parties to insure that necessary work will not be delayed.

I. The Forest Supervisor will assist the State maintenance forces in matters related to equipment parking and materials storage, emergency communications needs, materials sources, and disposal areas needed on National Forest land outside right-of-way lands. The Forest Service recognizes the economic necessity of having borrow and disposal sites within close proximity to the project area.

J. Forest Supervisors and District Directors may enter into agreements, as appropriate, to share resources. These agreements may include costs of personnel and equipment related to activities such as road maintenance, short-term assistance for fire suppression, storm activities, snow removal or avalanche control.

K. The Forest Supervisor will contact the State District Director relative to planned Forest Service activities which have an impact on highway maintenance.

L. If mutually agreed upon, the State shall install and maintain boundary fences between State rights-of-way and Forest Service land.



M. The State is responsible for initiating action to insure the removal and cleanup of hazardous spills originating on the highway right-of-way. The District Director will immediately notify the Forest Supervisor of any hazardous spills occurring on NFS easements/ROW.

N. The District Director and Forest Supervisor will cooperate on bypasses or alternate routes as necessary for emergency access needs. The additional cost of providing this access will be borne by the benefitting agency.

O. As part of routine maintenance of designated scenic highways, the State will remove or cover any large graffiti that occur within the right-of-way.

#### VIII. Signing

A. Freeways and Expressways Including Interstate Routes. All signing within the right-of-way limits on freeways and expressways will be installed and maintained by the State in conformance with State and Federal requirements. The State will provide signs to mark National Forest boundaries (both for entering and leaving traffic), intersecting Forest Service roads, direction signs to nearby National Forest information facilities which are staffed throughout the year and signs to geographical or recreation areas of significance to the travelers. The State will provide display space where feasible for Forest Service displays (panel or posters) at Interstate rest stops near National Forests. All furnished displays will be provided by the Forest Service according to guidelines furnished by Caltrans.

#### B. All Other State Routes Including U.S. Numbered Highways

1. Within the highway right-of-way the State will install and maintain:

- a. Regulatory and warning signs.
- b. U.S. or State highway route markers.
- c. All destination signing at junctions of two U.S. or State highways and other major road intersections and accommodations.
- d. Direction signs to points of public significance such as population centers, major recreation areas, trailheads for National Scenic Trails, officially designated National Forest Scenic Byways, scenic points, and permanently occupied National Forest information facilities providing information to travelers.
- e. Advance signing to campgrounds, picnic areas and intersecting National Forest roads, and picnic grounds as required to improve traffic safety.
- f. Distance-type guide signs along the route.
- g. Names of important streams, mountain peaks, and special features.
- h. Delineation devices.
- i. Snow markers, both seasonal and year-round.

2. The State will provide space for National Forest information at State rest areas.

3. The Forest Service may install and maintain signs including, but are not limited to, the following:

a. National Forest boundaries.

b. Forest Service picnic, camping, recreation and resort areas, and administrative sites.

c. Forest Service roads and trails.

d. Temporary posters calling attention to hazardous forest conditions, such as high fire danger.

e. Interpretive signs and signs denoting special management areas. The signs will have national logos which the public associates with the special management area.

#### C. General Conditions

1. The location of special feature and information signs which require construction or use of a parking area will be approved by the District Director prior to installation.

2. The form and language for any sign which the Forest Service or the State proposes to install within the right-of-way and which refers to or memorializes any historical event shall be submitted to the District Director or Forest Supervisor for review and coordination prior to installation.

3. Signs installed or authorized by the Forest Service will not include names of commercial establishments, guides, and outfitters or private concerns.

4. Signing shall conform to mounting height, location, and lateral placement provisions of the Manual on Uniform Traffic Control Devices for Streets and Highways.

5. Signs placed in the recovery zone will be designed to break away under impact.

6. An addendum to this agreement will stipulate standardized wording, colors, and symbols to be used for Forest Service information signing.

#### IX. Access Control

A. Access to the National System of Interstate and Defense Highways and all State highways which have been designated and constructed as freeways or expressways will be only by way of established interchanges or other public road connections, except for previously agreed fire emergency access points.

B. The State has primary responsibility for the safety of the traveling public on State highways. To help assure this protection, all permanent approaches to a State or U.S. highway on National Forest lands will be approved

by the State under a form of encroachment permit that is agreeable to both the State and the Forest Service.

C. The Forest Service will obtain encroachment permits free of charge for its permanent roads which connect with State and U.S. highways. The Forest Service will also stipulate in its permits to others that approval for road construction over National Forest land within the State right-of-way is contingent upon approval by the State for connections to State and U.S. highways, and, in the case of those routes that are declared freeways or controlled access highways, these connections will be subject to the approval of the California Transportation Commission.

D. Approved permanent new approaches to existing State and U.S. highways on National Forest land will be at the expense of the Forest Service or its permittee. Future maintenance of such approaches within the right-of-way shall be in accordance with requirements of the encroachment permit.

E. Temporary approaches required by the Forest Service during fire-fighting operations or other emergencies, may be constructed as necessary without formal approval by the State. Temporary approaches, other than those needed for true emergencies, will be reviewed and approved by the State under an encroachment permit. The State agrees to expedite this review and approval process. These temporary approaches will be obliterated at no expense to the State.

F. The State and the Forest Service shall jointly review and agree to the location, design and perpetuation of all highway turnouts, widening for viewpoints, historical and interpretive signing, rest areas, drinking fountains, roadside parking for fishing, camera stops, traveler informations, etc. Details of agreed actions will be made a matter of record by both parties.

#### X. Permit Administration

Terms for proposed activities which involve lands under the jurisdiction of the other agency will be agreed upon prior to the issuance of a permit. The required permit will be issued to the State or Forest Service and not to their respective contractor. It is the responsibility of the agency named as Permittee to ensure that the terms of the permit are met. In the event the permitting agency feels the terms of the permit are not being met, it shall deal with the permitted agency and the the contractor to resolve the matter.

#### XI. General Provisions

A. This memorandum may be amended or supplemented by mutual agreement by the signers or their successors. This memorandum may be terminated by either the State or the Forest Service through written notice by either party to the other.

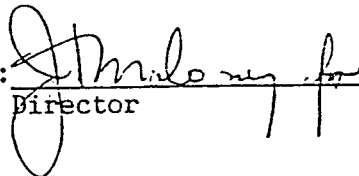
B. The State and the Forest Service shall not be bound to make any expenditure under the terms of this memorandum except as the necessary funds are appropriated by the California Legislature, the California Transportation Commission, or by the Congress of the United States or which may otherwise be made available.

C. No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this memorandum or to any benefit to arise therefrom unless it is made with a corporation for its general benefit.

D. Nothing in this agreement is to be construed as conflicting with existing laws, regulations, and prescribed responsibilities applicable to the respective parties hereto.

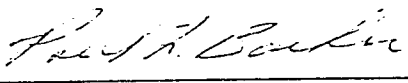
STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

Date: 4/21/89

By:   
Director

U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

DATE: May 21, 1989

By:   
Regional Forester, Region 5